



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

██████████
Docket No: 4343-22
Ref: Signature Date

██
██
██

Dear ██████████:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 6 October 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record, applicable statutes, regulations, and policies, as well as the 11 July 2022 Advisory Opinion (AO) furnished by the Office of Legal Counsel (PERS-00J). Although you were provided an opportunity to comment on the AO, you chose not to do so.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You entered into naval service in October 2000, affiliated with the Reserves on 2 June 2014, and served until March 2018. You state that you gave birth in 2011 and 2012 and developed Polycystic Ovary Syndrome, which caused you to gain approximately 100 pounds. In 2013, you failed the Physical Fitness Assessment (PFA) due to your weight and body fat percentage.

The Board carefully considered your request to advance to E-7. You contend that, in 2012-2013, you took and passed the E-7 exam. You argue that your commanding officer (CO) erroneously pulled the E-7 promotion package because of the PFA failure. You further contend that you

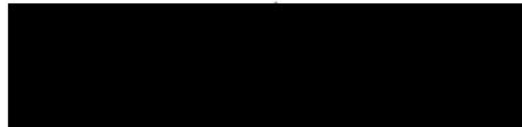
requested to overturn the PFA failure, which was approved by higher headquarters, but that your promotion to E-7 was not reconsidered.

The Board concurred with the AO that there was insufficient evidence to show that you passed the E-7 exam between 2012 and 2013. The Board also considered that you served five more years in the Navy after your CO allegedly pulled your package; consequently, you had the opportunity to make subsequent E-7 packages competitive for selection at the E-7 Advancement Selection Boards. Based on this evidence, the Board opined that, more likely than not, your record was not competitive for E-7 advancement compared to your peers, regardless of the PFA result in 2013. Consequently, while the Board appreciates your Honorable service, the Board concurred with the AO that there is no material error or injustice warranting retroactive advancement to E-7. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

11/1/2022

A large black rectangular redaction box covering the signature area.

Executive Director

A short black horizontal redaction bar.